

File No. 50130-135 Kevin Heffernan v. Frank G. Straub, et al., USDC-Southern District 07 Civ. 11260 (WCC)

AFFIDAVIT OF SERVICE VIA ECF AND FIRST CLASS MAIL

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Nancy Rivera, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and I reside in the State of New York, County of New York.

That on the 28th day of April, 2008, I served a true copy of the annexed **AMENDED NOTICE OF MOTION, AFFIRMATION IN SUPPORT OF MOTION TO DISMISS AND MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT** upon the following:

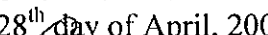
Jonathan Lovett, Esq.
LOVETT & GOULD, LLP
Attorneys for Plaintiff
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401

by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

Nancy Rivera
Nancy Rivera

Sworn to before me this
28th day of April, 2008

Sworn to before me this
28th day of April, 2008


Notary Public

SHADENA MORANT-DANIELS
Notary Public, State of New York
No. 24-4986342
Qualified in Kings County
Commission Expires Sept. 9, 2009